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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,156	05/14/2001	Lee Goodman	74120-301394	1127

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FAEGRE & BENSON LLP  
PATENT DOCKETING  
2200 WELLS FARGO CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-3901

EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/855,156	GOODMAN, LEE	
	Examiner	Art Unit	
	Andrew Lee	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**ANDREW C. LEE**  
**PRIMARY PATENT EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randic (U.S. Patent No. 6,275,797) in view of Bhusri U.S. Patent Number 5,878,113.

Regarding claims 1 and 15, Randic discloses a method of testing voice call quality for VOIP network comprising:

enabling a communication device (a receiving computer 14 in FIG. 1) connected to the VOIP network (FIG. 1, col. 3, lines 8-14) to answer a test call (sending a voice test file 23 by a sending computer 12 in FIG. 1) received over the VOIP network by playing a voice file (a voice test file 23 previously stored in the receiving computer 2, col. 3, lines 55-57); generating the test call (by the sending computer 12 in FIG. 1) over the VOIP network to the communication device; and measuring voice call listening quality from the voice file played by the communication device (col. 6, lines 19-43).

Randic fails to explicitly teach, "wherein playing the voice file comprise transmitting the voice file over the VOIP network in response to receiving the test call".

However, Bhursri teaches that a test call which originates and terminate at the communication unit is initiated in response to errors indicated in the information packets, whereby in response to the test call being placed, each network elements sends to the communication units packet information to be tested. One skilled in the art would have been motivated by Bhursri to test the voice file in Randic in response to an error detection to minimize processing of quality of packets over error packets. Therefore, it would have been obvious to one ordinary skilled to combine the references.

Regarding claim 2, Randic further discloses that each of the receiving computer includes a gateway function (de-compression and de-encapsulation, col. 5, lines 10-13).

Regarding claim 6, Randic further teaches that AVR in the receiving computer (24 in FIG. 4, col. 3, lines 50-61) is an interactive response unit within the communication device to answer the test call.

Regarding claim 7, Randic further discloses a step of controlling the sending computer (a test probe as recited in the claim) to place the test call to the communication device (col. 3, lines 8-14), i.e., the sending computer is a test probe.

Regarding claim 8, Randic further discloses that the sending computer is used to measure the voice call listening quality (col. 3, lines 8-14),.

Regarding claim 9, Randic further discloses that the sending computer is connected to the VOIP network over an IP connection (col. 3, lines 8-14).

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Regarding claim 10, refer to the discussion for claims 1, 7, and 8. Randic further discloses that the sending computer 12 generates test calls to a plurality of communication devices (receiving computers 14, 16, 18 in FIG. 1). The embedded voice files played by the receiving computers are voice test files 23 in the receiving computers.

Regarding claim 11, Randic further discloses that each of the receiving computer includes a gateway function (de-compression and de-encapsulation, col. 5, lines 10-13).

Regarding claim 12, Randic further discloses that each of the receiving computers is a VOIP telephone (col. 3, lines 8-14).

Regarding claim 13, refer to the discussion for claim 1. Randic further discloses that a computer readable medium is used for the method (see claim 22 of Randic).

Regarding claim 14, refer to the discussion for claims 1, 7, 8, 10, and 11.

Randic discloses a voice call quality testing system comprising:

a plurality of VOIP gateways (receiving computers 14, 16, 18 in FIG. 1) deployed at various points along a border of VOIP network (FIG. 1), each of the gateways includes an Interactive Voice Response (IVR) (an AVR 24 in FIG. 4), responsive to receipt of a test call over the VOIP network by a gateway associated with the IVR to answer the test call by playing an embedded voice file;

a test probe (each receiving computer) coupled to the VOIP network to test voice call listening quality in the VOIP network by generating test calls (by a sending computer 12 in FIG. 1) to each of the plurality of gateways (receiving computers 14, 16, 18), recording (interpreting by AVR, col. 6, lines 19-29) the embedded voice files (voice

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test files 23 in the receiving computers) played by each of the plurality of gateways and measuring voice listening quality of the test calls by comparing the recorded embedded voice files to a reference voice file transmitted from the sending computer and received (stored) by the receiving computer(s).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randic (U.S. Patent No. 6,275,797) in view of Bhusri U.S. Patent Number 5,878,113 as applied to claims above and further in view of Tomberlin (U.S. Patent No. 6,834,040)

Refer to the discussion for claim 1. However, Randic does not teach a perceptual test model such as PSQM or PAMS to the voice call listening quality. Tomberlin teaches that PAQM and PAMS are known industry standards to measure the perceptual voice listing quality with objective quality factors (col. 2, lines 43-63). Those of skill in the art would have been motivated by the Tomberlin to have perceptual listing quality with quality factors in Randic using the PAMS or PAMS models. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate PAMS or PQSM to get a perceptual quality for VOIP communications.

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***Allowable Subject Matter***

1. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

